

# House File 2468 - Introduced

HOUSE FILE \_\_\_\_\_  
BY KAUFMANN and SCHUELLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to modification of an order of child custody  
2 based upon the relocation of a parent awarded physical  
3 custody.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5545YH 82  
6 pf/nh/14

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1 1 Section 1. Section 598.21D, Code 2007, is amended to read  
1 2 as follows:

1 3 598.21D RELOCATION OF PARENT AS GROUNDS TO MODIFY ORDER OF  
1 4 CHILD CUSTODY == LEVEL OF CARE CONSIDERATION IN MODIFYING.

1 5 1. If a parent awarded joint legal custody and physical  
1 6 care or sole legal custody is relocating the residence of the  
1 7 minor child to a location which is one hundred fifty miles or  
1 8 more from the residence of the minor child at the time that  
1 9 custody was awarded, the court may consider the relocation a  
1 10 substantial change in circumstances.

1 11 2. If the court determines that the relocation is a  
1 12 substantial change in circumstances, in determining the best  
1 13 interest of the child, the court may modify an existing order  
1 14 that awarded joint legal custody and physical care to the  
1 15 relocating parent and instead award joint legal custody and  
1 16 physical care to the nonrelocating parent, if the court finds  
1 17 that, in regard to the level of care provided by each parent,  
1 18 the care provided by the nonrelocating parent is equal to the  
1 19 level of care provided by the relocating parent. If the court  
1 20 modifies the order and awards joint legal custody and physical  
1 21 care to the nonrelocating parent, the court shall modify the  
1 22 custody order to, at a minimum, preserve, as nearly as  
1 23 possible, the existing relationship between the minor child  
1 24 and the relocating parent. If modified, the order may include  
1 25 a provision for extended visitation during summer vacations  
1 26 and school breaks and scheduled telephone contact between the  
1 27 relocating parent and the minor child. The modification may  
1 28 include a provision assigning the responsibility for  
1 29 transportation of the minor child for visitation purposes to  
1 30 either or both parents.

1 31 3. If the court determines that the relocation is a  
1 32 substantial change in circumstances, and the court modifies  
1 33 the custody order retaining the provisions of the order  
1 34 awarding joint legal custody and physical care or sole legal  
1 35 custody to the relocating parent, the court shall modify the  
2 1 custody order to, at a minimum, preserve, as nearly as  
2 2 possible, the existing relationship between the minor child  
2 3 and the nonrelocating parent. If modified, the order may  
2 4 include a provision for extended visitation during summer  
2 5 vacations and school breaks and scheduled telephone contact  
2 6 between the nonrelocating parent and the minor child. The  
2 7 modification may include a provision assigning the  
2 8 responsibility for transportation of the minor child for  
2 9 visitation purposes to either or both parents.

2 10 4. If the court makes a finding of past interference by  
2 11 the a parent awarded joint legal custody and physical care or  
2 12 sole legal custody with the minor child's access to the other  
2 13 parent, the court may order the posting of a cash bond to  
2 14 assure future compliance with the visitation provisions of the  
2 15 decree. The supreme court shall prescribe guidelines for the  
2 16 forfeiting of the bond and restoration of the bond following  
2 17 forfeiting of the bond.

2 18 EXPLANATION

2 19 This bill amends provisions relating to relocation of a

2 20 parent as grounds for modification of a child custody order.  
2 21 Current law provides that if a parent who has been awarded  
2 22 joint legal custody and physical care or sole legal custody is  
2 23 relocating the residence of the minor child to a location  
2 24 which is 150 miles or more from the residence of the minor  
2 25 child at the time that custody was awarded, the court may  
2 26 consider the relocation a substantial change in circumstances.  
2 27 The bill provides that if the court determines that the  
2 28 relocation is a substantial change in circumstances, in  
2 29 determining the best interest of the child, the court may  
2 30 modify the existing order that awarded joint legal custody and  
2 31 physical care to the relocating parent and instead award joint  
2 32 legal custody and physical care to the nonrelocating parent,  
2 33 if the court finds that, in regard to the level of care  
2 34 provided by each parent, the care provided by the  
2 35 nonrelocating parent is equal to the level of care provided by  
3 1 the relocating parent. If the court does modify the order and  
3 2 awards joint legal custody and physical care to the  
3 3 nonrelocating parent, the court is also to modify the custody  
3 4 order to preserve, as nearly as possible, the existing  
3 5 relationship between the minor child and the relocating  
3 6 parent. Additionally, if the order is modified, the order may  
3 7 include a provision for extended visitation during summer  
3 8 vacations and school breaks and scheduled telephone contact  
3 9 between the relocating parent and the minor child. The  
3 10 modification may also include a provision assigning the  
3 11 responsibility for transportation of the minor child for  
3 12 visitation purposes to either or both parents.  
3 13 Current law is retained regarding modification of the order  
3 14 in a manner that retains the award of custody with the  
3 15 relocating parent and the provisions relating to preserving  
3 16 the existing relationship with the nonrelocating parent,  
3 17 extended vacations and school breaks, telephone contact, and  
3 18 provision for transportation of the minor child for visitation  
3 19 purposes to either or both parents.  
3 20 The bill amends the provision relating to posting of a cash  
3 21 bond based on past interference by the relocating parent to  
3 22 apply to both parents.  
3 23 LSB 5545YH 82  
3 24 pf/nh/14